

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 2960/169WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, Item 5 below.</small>	
International application No. PCT/US2008/066994	International filing date (day/month/year) 13/06/2008	(Earliest) Priority Date (day/month/year) 13/06/2007
Applicant CONFORMIS, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 7 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☒ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box No. II)

3. ☒ Unity of invention is lacking (see Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 1

- ☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention

b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2008/066994

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61B17/17

ADD. A61B19/00 A61B17/00 A61B17/15

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 337 901 A (BROC CHRISTIAN) 18 October 1989 (1989-10-18)	1-17, 19, 39-53, 60-64
Y	figure 6	18
Y	WO 2004/049981 A (IMAGING THERAPEUTICS INC [US]; BEREZ AARON [US]; FITZ WOLFGANG [US]; L) 17 June 2004 (2004-06-17) paragraphs [0255], [0268], [0269]	18
X	DE 203 03 498 U1 (AESCULAP AG & CO KG [DE]) 3 July 2003 (2003-07-03) figure 1	1
P, X	WO 2007/092841 A (CONFORMIS INC [US]; LANG PHILIPP [US]; FITZ WOLFGANG [US]; BOJARSKI RA) 16 August 2007 (2007-08-16) figure 26W	1-19, 39-53, 60-64
-/-		

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

24 September 2008

Date of mailing of the international search report

19/02/2009

Name and mailing address of the ISA/

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Authorized officer

Carroñdez Arilla 1

INTERNATIONAL SEARCH REPORT

International application No

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C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2005/148843 A1 (ROOSE JEFFREY R [US]) 7 July 2005 (2005-07-07) paragraph [0001] _____	1

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 20-38, 65

The subject-matter of claims 20-38 and 65 relates to a method for treatment of the human body by surgery, since, in view of the description, it is clear that the surgical instrument is guided during a surgical operation (see also claim 22, which further includes the step of cutting the tissue). Therefore, pursuant to Rule 39.1(iv) PCT, the subject-matter of said claims has not been searched.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/066994

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 20-38, 65
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

see additional sheet(s)

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-19, 39-53, 60-64

a guide having a surface conforming to a patient's tissue
for solving the problem of improving the attachment of the
guide to said tissue.
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2. claims: 54-59

a surgical tool comprising one insert and a template,
including a guide.
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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2008/066994

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0337901	A	18-10-1989	FR 2629339 A1	06-10-1989
WO 2004049981	A	17-06-2004	AU 2003293203 A1	23-06-2004
			CA 2505419 A1	17-06-2004
			CN 1729483 A	01-02-2006
			EP 1575460 A2	21-09-2005
			JP 2006510403 T	30-03-2006
			KR 20050084024 A	26-08-2005
			US 2004236424 A1	25-11-2004
DE 20303498	U1	03-07-2003	NONE	
WO 2007092841	A	16-08-2007	AU 2007212033 A1	16-08-2007
			CA 2641241 A1	16-08-2007
			EP 1981409 A2	22-10-2008
			US 2007198022 A1	23-08-2007
US 2005148843	A1	07-07-2005	NONE	